

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

DONNA WAGNER

Plaintiff/Petitioner/Arbitration Petitioner,

v.

Case No. 1:21-cv-1787-JPH-MG

BROKERS INTERNATIONAL FINANCIAL SERVICES, LLC, and MARK CHRISTOPHER PERRY,

Defendants/Respondents/Arbitration Respondents.

**DEFENDANTS' MOTION FOR ORAL ARGUMENT ON
PLAINTIFF'S MOTION TO REMAND**

Pursuant to Local Rule 7.5, Defendants, Brokers International Financial Services, LLC (“Brokers Financial”) and Mark Christopher Perry (“Perry”) (collectively, “Defendants”) by and through their attorneys, LEWIS BRISBOIS BISGAARD & SMITH LLP, respectfully request that this Court hear oral argument on Plaintiff Donna Wagner’s (“Plaintiff”) Motion to Remand, and, in support thereof, state as follows:

1. On July 7, 2021, Plaintiff filed her Motion to Remand.
2. On July 21, 2021, Defendants filed their Opposition to the Motion to Remand.
3. The Plaintiff’s Motion and Defendants’ Opposition arise out of a FINRA Arbitration with motion practice germane to the issues presented in Plaintiff’s Motion and Defendants’ Opposition. The issues involve a substantial question of federal law, of which the FINRA Panel repeatedly exhibited a manifest disregard. Specifically, whether Plaintiff was a customer pursuant to FINRA Rule 12200 is exclusively the province of the federal court. The undisputed evidence demonstrates that Plaintiff was not Defendants’ customer. As such, the Panel exceeded its powers by violating FINRA Rule 12200 and adjudicating a dispute over

which it did not have jurisdiction, and a substantial question of federal law has been raised in Defendants' Motion to Vacate the Arbitration Award.

4. Oral argument would facilitate the Court's understanding of the history of this matter and important legal issues that this case presents, and Defendants respectfully request that this Court grant each side 30 minutes in which to present argument.

WHEREFORE, Defendants respectfully request that this Court grant their Motion for Oral Argument.

Respectfully submitted,

Dated: July 26, 2021

By:

LEWIS BRISBOIS BISGAARD & SMITH LLP

/s/ David M. Florence

Scott B. Cockrum (20840-45)

Joseph D. Ackerman (30276-71)

2211 Main Street, Suite 3-2A

Highland, Indiana 46322

Phone: (219) 440-0600

Fax: (219) 440-0601

Email: Scott.Cockrum@lewisbrisbois.com

Email: Joseph.Ackerman@lewisbrisbois.com

Connie M. Fickel, California Bar No. 210286

Admitted *Pro Hac Vice*

David M. Florence California Bar No. 242857

Admitted *Pro Hac Vice*

633 West 5th Street, Suite 4000

Los Angeles, California 90071

Phone: (213) 250-1800

Fax: (213) 250-7900

Email: Connie.Fickel@lewisbrisbois.com

Email: David.Florence@lewisbrisbois.com

*Attorneys for Defendants Brokers International
Financial Services, LLC, and Mark Christopher
Perry*

CERTIFICATE OF SERVICE

I certify that on the 26th day of July, 2021, a copy of the foregoing pleading or paper was filed electronically. Notice of this filing will be sent to all Counsel of record via the Court's Electronic Filing System.

LEWIS BRISBOIS BISGAARD & SMITH LLP
By: /s/ Vicki M. Simpson